IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 354 OF 2005

IN

NOTICE OF MOTION NO. 5159 OF 2004

IN

SUIT NO. 5582 OF 2004

Sindhu Mangesh Chogle & Ors ..Appellants

versus

Devdatta Manohar Chogle & Ors. ..Respondents

Mr. H. S. S. Murthy i/b. M/s. Shukla & Shukla for the Appellants.

Mr. Navin Parekh i/b. Miss. Hetal Patel for the Respondent Nos. 1 and 2.

Mr. D. A. Siddiqui with Mr. J. R. Khan for the Respondent Nos. 3 and 4.

CORAM : D. G. DESHPANDE,J.

DATE : 20TH APRIL,2005

ORAL ORDER :

1. This appeal is filed by the original plaintiffs. They have now given consent terms duly signed by the plaintiffs, copy of the consent terms was also given to the respondents Advocates. Respondents are present in court they state that

they had gone through the consent terms and they accept the same, subject to the following amendments / modifications :

. 1. There is a reference to stamp duty registration charges in clause 1 of the consent terms, this shall be borne by the appellants.

. 2. So far as the claim of the Police Commissioner in the suit property, about which there was a prayer in the original plaint the appellants to take upon themselves the entire responsibility of satisfying the claim of the Police Commissioner and they give undertaking in that regard to the court and the Respondents will not be liable or accountable to any claim of Police Commissioner.

. 3. Period for construction as per clause 4, shall be 18 months from the date of commencement. Intimation of which shall be given by the respondents to the appellants, in writing.

Mr. Murthy for the appellants, and the appellants who are present in court and/or represented by the counsel, as well as respondents who are present in court, and/or represented by the counsel have gone through the consent terms and they are agreeable to the consent terms with these amendments /

modifications. Consent terms taken on record and marked Exhibit 'X' for identification. The consent terms bears the signature of Appellants only.

2. There shall be an order in terms of the consent terms with the aforesaid modifications.

3. Undertakings of both the parties to abide by consent terms are accepted.

4. Consequently appeal as well as suit stands disposed of.

20.04.2005 (D.G. DESHPANDE, J.)